

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
DOLORES CUI TE,

Plaintiff,

-against-

WINTHROP UNIVERSITY HOSPITAL,

Defendant.  
-----X

MEMORANDUM AND ORDER

CV 06-6140

(Wexler, J.)

APPEARANCES:

KOEHLER & ISAACS LLP  
BY: BRIAN C. NOONAN, ESQ.  
Attorneys for Plaintiff  
61 Broadway, 25<sup>th</sup> Floor  
New York, New York 10006

PUTNEY, TWOMBLY, HALL & HIRSON LLP  
BY: MARY ELLEN DONNELLY, ESQ.  
Attorneys for Defendant  
521 Fifth Avenue  
New York, New York 10175

WEXLER, District Judge

Defendant in the above-captioned action moves for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Upon consideration of the papers in support of and in opposition to the motion, this Court finds that genuine issues of material fact exist precluding the entry of summary judgment with respect to plaintiffs' claims. See Fed. R. Civ. P. 56(c) (a party seeking summary judgment must demonstrate that "there is no genuine issue of any material fact and that the moving party is entitled to a judgment as a matter of law."); Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986); Donohue v. Windsor Locks Bd. of Fire Comm'rs, 834 F.2d 54, 57 (2d Cir. 1987). Accordingly, defendant's motion for summary judgment is denied.

The denial of the motion is without prejudice to renewal at the close of Plaintiff's case.

SO ORDERED.

  
LEONARD D. WEXLER  
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York  
March 17, 2008